

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

VENITA L. YOUNG,

Plaintiff,

CASE NO. 17-10268

HON. DENISE PAGE HOOD

v.

COMMISSIONER OF  
SOCIAL SECURITY,

Defendant.

---

**OPINION AND ORDER ADOPTING REPORT AND  
RECOMMENDATION [#16] TO GRANT PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT [#10] AND TO DENY DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT [#14]**

This matter is before the Court on a Report and Recommendation (Doc # 16) filed by Magistrate Judge R. Steven Whalen on Plaintiff Venita L. Young's Motion for Summary Judgment (Doc # 10), and Defendant Commissioner of Social Security's Motion for Summary Judgment (Doc # 14). To date, no objections were filed to the Report and Recommendation, and the time to file such has passed. The Court ACCEPTS and ADOPTS the Report and Recommendation, GRANTS Young's Motion for Summary Judgment and DENIES the Commissioner's Motion for Summary Judgment.

The background facts of this matter are adequately set forth in the Magistrate Judge's Report and Recommendation, and the Court adopts them here.

The standard of review by the district court when examining a Report and Recommendation is set forth in 28 U.S.C. § 636. This Court "shall make a *de novo* determination of those portions of the report or the specified proposed findings or recommendations to which an objection is made." 28 U.S.C. § 636(b)(1)(C). The court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." *Id.* In order to preserve the right to appeal the magistrate judge's recommendation, a party must file objections to the Report and Recommendation within fourteen (14) days of service of the Report and Recommendation. Fed. R. Civ. P. 72(b)(2). Failure to file specific objections constitutes a waiver of any further right of appeal. *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *Howard v. Sec'y of Health & Human Servs.*, 932 F.2d 505, 508-09 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

After review of the Magistrate Judge's Report and Recommendation, the Court finds that his findings and conclusions are correct. The Court agrees with the Magistrate Judge that Plaintiff was deprived of her right to a full and fair hearing. The Court further agrees that this matter should be remanded for proceedings consistent with the Magistrate Judge's analysis.

Accordingly,

IT IS HEREBY ORDERED that Magistrate Judge R. Steven Whalen's Report and Recommendation (Doc # 16) is ACCEPTED and ADOPTED as this Court's findings of fact and conclusions of law.

IT IS FURTHER ORDERED that Defendant Commissioner of Social Security's Motion for Summary Judgment (Doc # 14) is DENIED.

IT IS FURTHER ORDERED that Plaintiff Young's Motion for Summary Judgment (Doc # 10) is GRANTED.

IT IS FURTHER ORDERED that this action is REMANDED for hearing before an Administrative Law Judge with proceedings consistent with the Magistrate Judge's Report and Recommendation (Doc # 16).

S/Denise Page Hood

Denise Page Hood

Chief Judge, United States District Court

Dated: January 31, 2018

I hereby certify that a copy of the foregoing document was served upon counsel of record on January 31, 2018, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry

Case Manager